

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, May 17, 2023
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Colm Willis, Commissioner Kevin Cameron, and Commissioner Danielle Bethell. Also present were Jane Vetto as county counsel and Brenda Koenig as recorder.

ABSENT: Jan Fritz, chief administrative officer.

Commissioner Willis called the meeting to order at 9:00 a.m.

(Video Time 00:01:49)

PUBLIC COMMENT

None.

(Video Time 00:01:54)

PRESENTATION

1. Travel Salem Quarterly Report. –Kelli Weese and Angie Villery, Travel Salem

Summary of presentation:

Kelli Weese:

- Travel Salem will be reporting on the work they have been performing to market and promote Marion County’s tourism during their second and third quarters;
- The county has a five-year contract with Travel Salem;
- The contract allocates \$125,000 per year;
- The funding comes from the county’s economic development program fund that supports tourism marketing; and
- The current contract expires on June 30, 2023.

Angie Villery, Travel Salem:

- Quarter 2 is for the months of October 2022, through December 2022;
- Quarter 3 is for the months of January 2023, through March 2023;
- Travel Salem produces a lot of video content in-house;

- During the two quarters Travel Salem produced YouTube and TikTok shorts including videos promoting the following:
 - The City of Silverton Christmas Market; and
 - The Mount Angel Abbey's Benedictine Brewery:
 - The two events combined resulted in approximately 112,000 social media views.
- The following is work that Travel Salem performed around Resilient Headwaters:
 - The company funded four deliverables for \$20,000:
 - Rehabilitation of Fire Damaged Trails:
 - The project is on track and is scheduled for June 2023;
 - Snow levels will need to reduce before work can begin; and
 - Relationships with land managers are being developed in line with the project timeline.
 - New Trail Design:
 - The trail has been designed and flagged; and
 - The proposal has been submitted and is in environmental review by the United States Forest Service (USFS).
 - Recreation Inventory:
 - The database has been developed and populated with assets that will support the Resilient Headwaters area.
 - Photography to Promote Existing Riding Opportunities:
 - Photo shoots in the area were performed.
 - Travel Salem secured a \$50,000 grant from Travel Oregon to support the Resilient Headwaters project; and
 - Total funding for Resilient Headwaters is approximately \$70,000.
- Travel Salem has moved to a new location and the visitor center is open:
 - The facility has a drive-through information visitor center; and
 - The company anticipates utilizing the space to showcase the region.
- Travel Salem produced twelve videos highlighting local venues:
 - Six were meeting venues;
 - Six were sports venues; and
 - The videos are utilized to market area destinations to meeting planners.
- A few years ago, Travel Salem purchased National Collegiate Athletic Association (NCAA) rated basketball flooring that is currently being housed at the Oregon State Fair and Exposition Center:
 - The purpose of the flooring is to bring in different types of events and groups to the Oregon State Fair and Exposition Center:
 - It cost approximately \$35,000 to purchase the flooring; and
 - It cost over \$35,000 to refurbish the floors.
 - The goal is to host NCAA finals and other playoff events in the facility; and
 - The flooring is portable and can be removed and stored when not in use.

- Quarter 2 marketing highlights include some of the following:
 - The City of Silverton Christmas Market at The Oregon Garden;
 - Places to capture stunning fall photos; and
 - “Sixteen Dreamy Hot Springs to Visit” that was featured in MSN Lifestyle magazine.
- Quarter 3 marketing highlights include some of the following:
 - The Champoeg State Heritage Area;
 - Places to celebrate Oregon Craft Beer Month; and
 - Smith Creek Village at Silver Falls State Park that was featured in the Oregonian newspaper.

Board discussion:

- The NCAA flooring is owned by Travel Salem:
 - There is no storage fee for the flooring; and
 - Travel Salem receives a credit from the state when they bring in events that will utilize the space:
 - The credit will go towards the costs to refurbish the floor.
- This was the third year of the pickleball tournament that included 461 participants;
- Commissioner Cameron requested that Travel Salem keep on their radar the possibility of utilizing the restored City of Detroit Community Center:
 - The facility would be a good venue for smaller high school basketball and volleyball tournaments;
 - The type of events may be limited as there are currently no hotels in the City of Detroit; but
 - Other schools located within the region that are closer to the City of Detroit may consider utilizing the facility if they do not need to spend the night.
- There is also a new gym at Santiam High School in the City of Mill City that could potentially be a venue for regional tournaments in the Santiam Canyon.

(Video Time 00:17:41)

CONSENT

BOARD OF COMMISSIONERS

Board Committee Appointments –Solid Waste Management Advisory Council (SWMAC)

2. Approve orders appointing Keith Bondaug-Winn as Chair and Bonnie Sullivan as Vice-Chair to the Marion County Solid Waste Management Advisory Council (SWMAC) with terms ending April 30, 2024; and Scott Gagner as a Citizen-At-large with a term ending December 31, 2026.

HUMAN RESOURCES

3. Accept the 2023 Marion County Compensation Board Recommendations for Elected Officials and forward the recommendations to the Budget Committee.

INFORMATION TECHNOLOGY

4. Approve Amendment #4 to the Contract for Services with Executive Information Services, Inc. to add \$34,880 for a new contract total of \$1,484,319 for the Marion County Sheriff's Office Records and Jail Management System through September 30, 2026.

PUBLIC WORKS

5. Schedule final consideration to adopt an administrative ordinance for May 24, 2023, for Zone Change/Comprehensive Plan Change (ZC/CP) Case #22-004/ Rafael Hernandez Mercado.

TREASURER'S OFFICE

6. Approve an order increasing the change fund at Marion County's Browns Island Demolition Landfill from \$350 to \$500 to meet the needs of customers paying with cash.

MOTION: Commissioner Bethell moved for approval of the consent agenda. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:19:16)

ACTION

PUBLIC WORKS

7. Receive an appeal of the hearings officer's decision denying Conditional Use Permit (CU) Case #22-041/Silver Creek Solar, LLC, and consider scheduling a public hearing for May 31, 2023. –Austin Barnes

Summary of presentation:

- The application is for a Conditional Use permit to establish a photovoltaic solar power generating facility on a 10-acre portion of a 30-acre parcel located in a Farm/Timber (FT) zone:
 - The parcel is located just outside the City of Silverton.
- On December 8, 2022, planning staff issued a recommendation of denial to the hearings officer;
- On Thursday, December 22, 2022, a public hearing was held:
 - The record was left open until January 12, 2023; and
 - Additional submissions were permitted through January 26, 2023.
- On April 14, 2023, the hearings officer issued a decision of denial:
 - The hearings officer determined that the proposal did not meet county code:
 - The Marion County Board of Commissioners repealed code sections regarding photovoltaic solar in March of 2018:
 - Ordinance #1387 was approved on March 21, 2018.
- On April 28, 2023, the applicant submitted an appeal to the Marion County Board of Commissioners along with a statement and the appropriate filing fee;
- The board has the following options:

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- Accept the appeal and remand the matter back to the hearings officer;
- Accept the appeal and schedule a public hearing:
 - The suggested hearing date is May 31, 2023, so that state mandated decision deadlines can be met.
- Deny the appeal and uphold the hearings officer's decision denying the request.
- Staff recommends that the board denies the appeal and upholds the hearings officer's decision denying the request:
 - There are no provisions in the zoning code that would permit a photovoltaic solar facility.

Board discussion:

- Commissioner Cameron provided the following background on solar farms in Marion County:
 - Oregon State Legislature passed a bill that allowed solar farms on property zoned Exclusive Farm Use (EFU);
 - The county was not aware that the legislature had passed the bill;
 - Solar farms began popping up in EFU areas where electrical companies had infrastructure;
 - The county held a public hearing on the topic that was well attended:
 - Many local farmers attended the public hearing.
 - The challenge was that high value farmland was now being utilized for solar farms;
 - The legislature allowed counties to opt out of allowing solar farms on EFU land; and
 - In 2018 the board voted unanimously to opt out.
- Commissioner Cameron expressed he will deny the CU request;
- Commissioner Willis expressed he agrees with Commissioner Cameron;
- Commissioner Bethell expressed the following:
 - She supports the decision made in 2018;
 - She did some research prior to today's board session meeting;
 - She has had conversations with residents throughout Marion County;
 - She understands that there are mixed emotions for solar farms on EFU land;
 - She feels there are more practical uses for EFU land such as supporting housing and families and the expansion of farms;
 - Solar farms could become a burden for the county because they may not be well managed:
 - Grass and foliage may not be maintained and could be a potential fire hazard.
 - She supports denying the CU request and upholding the 2018 decision.
- Commissioner Willis expressed the following:
 - He feels this is about a legal interpretation dispute;
 - The board is not going to provide any clarity on the legal interpretation;

- The Land Use Board of Appeals (LUBA) will provide the clarity;
- The county and the applicant's attorney may interpret the law differently;
- If the board denies the appeal and upholds the hearings officer's decision, then this allows the applicant to appeal to LUBA;
- Holding a public hearing will just lengthen the process and may not provide any clarity; and
- He is in favor of denying the request.
- Ms. Vetto expressed the following:
 - There were conditions added in 2018 for solar farms;
 - The conditions may have been confusing;
 - It was challenging for applicants that were applying to understand; and
 - All of this was part of the testimony during the March 2018 public hearing.

MOTION: Commissioner Cameron moved to deny the appeal and uphold the hearings officer's decision denying the request of Conditional Use Permit (CU) Case #22-041/Silver Creek Solar, LLC. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

**PUBLIC HEARINGS
9:30 A.M.**

None.

Commissioner Willis adjourned the meeting at 9:30 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at

<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>

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